

REMARKS

This is responsive to the Office Action mailed December 28, 2006. Since the Office Action is final, it is accompanied by a request for continued examination ("RCE") together with the required fee.

All the claims stand rejected under 35 U.S.C. §102(b) as being anticipated by Smith, U.S. Patent No. 2,515,099 ("Smith").

The claims are amended to clarify that the apron is an integral part of the sink, as disclosed in the Figure as originally filed, and as referenced (with reference designator 17) in the Figure as amended. However, it is submitted for the record that the term inherently included the limitation that is explicitly added now, so the amendment does not alter the scope of the claims.

While it is also not believed to be necessary, Applicant submits a second Declaration of William McKeone addressing the Examiner's concern that he might not be a disinterested party.

Also, Applicant submits additional evidence on the meaning of the term "apron" in the form of the pertinent dictionary definition,"i.e., "an upward or downward vertical extension of a sink or lavatory." Webster's Ninth New Collegiate Dictionary, 1991 ed., page 98 (copy enclosed). The dictionary also supports Applicant's position that an apron is part of a sink, and so cannot reasonably be read as the Examiner has urged to include the under-sink cabinet or "enclosure" disclosed in Smith.

The Smith patent also uses the term "apron" consistent with both the McKeone Declaration and the dictionary definition, stating:

The preferred embodiment of my invention herein shown includes in its general organization a pair of opposed walls 10, width extension plates 12, length extension plates 14, and a front wall assembly 16. As shown in Fig. 1 these members are assembled in the space beneath a conventional, cast-iron, enamel-finished sink 18 which has one or more bowls 20 and an overhanging apron 22. Col. 2, lines 18 - 26.

The Smith patent distinguishes between an “apron,” which is part of the sink 18, and the “pair of opposed walls 10, width extension plates 12, length extension plates 14, and . . . front wall assembly 16” that defines the assembly that is installed underneath the sink.

It is clear from the evidence of record that applicant is not asserting a “special” definition for the term “apron.” Applicant argues that the term should be construed to have its ordinary meaning, i.e., the meaning that would be ordinarily understood by a person of ordinary skill in the art as described in MPEP 2111.

It appears that the Examiner has adopted a “special” definition, apparently on the grounds that the ordinary meaning is inconsistent with the specification. But no basis for this conclusion has been indicated, and none is apparent. The only sentence relevant to the meaning of the term “apron” in the specification is in the amended paragraph at page 3, lines 17 - 18:

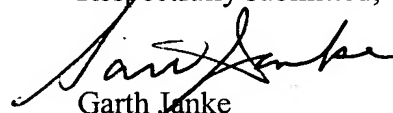
“Depending downwardly from a front portion 13a of the sink 10 is an apron 17 having a front surface 12.”

The sink enclosure in Smith does not “depend” from the sink, so the specification is consistent with Applicant’s position that the term “apron” does not read on the sink enclosure in Smith.

Notwithstanding, the Examiner takes the position that the term must be construed differently than would otherwise be called for by MPEP 2111 because the term was added by amendment and was not present in the original disclosure. But Applicant cannot find, and the Examiner has not identified, any authority for this position. If any such authority is known to the Examiner, it is respectfully requested that it be identified specifically.

Accordingly, it is respectfully submitted that the case is in condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Garth Janke', written over the printed name.

Garth Janke

Reg. No. 40,662

(503) 228 - 1841

apprize \ə-ˈprīz\ *vi* **ap-prized**; **ap-prizing** [ME *aprisen*, fr. MF *aprisier*, fr. OF, fr. *a-* (fr. *L. ad-*) + *priser* to appraise — more at **PRICE**] (15c) : VALUE, APPRECIATE

approach \ə-ˈprɔch\ *vb* [ME *approchen*, fr. OF *approchier*, fr. LL *ap-propiare*, fr. *L. ad-* + *prope* near; akin to *L. pro* before — more at **PROXI-MATE**] *vi* (13c) 1: to draw closer to; *NEAR* (~ the podium) 2: to come very near to; to be almost the same as (its mathematics ~es mysticism — Theodore Sturgeon) 3: as the quantity ~es zero 2: *a*: to make advances to esp. in order to create a desired result (was ~ed by several Broadway producers) *b*: to take preliminary steps toward accomplishment or full knowledge or experience of (~ the subject with an open mind) ~ *vi* 1: to draw nearer (dawn ~es) 2: to make an approach in golf

approach *n* (15c) 1: an act or instance of approaching (the ~ of summer) 2: APPROXIMATION (in this book he makes his closest ~ to greatness) 3: the taking of preliminary steps toward a particular purpose (experimenting with new lines of ~) 4: a particular manner of taking such steps (a highly individual ~ to language) 5: a means of access: AVENUE 6: a golf shot from the fairway toward the green 7: the steps taken by a bowler before he delivers the ball; also: the part of the alley behind the foul line from which the bowler delivers the ball

approach-able \ə-ˈprɔch-ə-bəl\ *adj* (1571): capable of being approached: ACCESSIBLE; *specific*: easy to meet or deal with — **approach-ability** \-ˈprɔch-ə-bil-ə-ti\ *n*

approbate \ə-ˈprɔb-ət\ *vi* **-bated**; **-bating** [ME *approbaten*, fr. *L. approbatus*, pp. of *approbare* — more at **APPROVE**] (15c) : APPROVE, SANCTION — **approbate-ment** \ə-ˈprɔb-ə-mənt\ *n* (14c) 1: *obs*: PROOF 2: *a*: an act of approving formally or officially *b*: COMMENDATION, PRAISE

appro-pri-ate \ə-ˈprɔr-ət\ *vi* **-ated**; **-ating** [ME *appropriaten*, fr. LL *appropriatus*, pp. of *appropriare*, fr. *L. ad-* + *proprius* own] (15c) 1: to take exclusive possession of; ANNEX (no one should ~ a common benefit) 2: to set apart for or assign to a particular purpose or use (~ money for the research program) 3: to take or make use of without authority or right — **appro-pri-able** \-ˈprɔr-ə-bəl\ *adj* — **appro-pri-a-tor** \-ˈprɔr-ət-ər\ *n*

appro-pri-ate \ə-ˈprɔr-ət\ *adj* (15c): especially suitable or compatible: FITTING — *syn* see **FIT** — **appro-pri-ate-ness** *n*

appro-pri-ation \ə-ˈprɔr-ət-ə-shən\ *n* (14c) 1: an act or instance of appropriating 2: something that has been appropriated; *specific*: money set aside by formal action for a specific use — **appro-pri-a-tive** \-ˈprɔr-ət-iv\ *adj*

approv-able \ə-ˈpru-ə-bəl\ *adj* (15c): capable or worthy of being approved — **approv-ably** \-ə-bli\ *adv*

approv-al \ə-ˈpru-əl\ *n* (1616): an act or instance of approving: **APPROBATION** 2: *a*: approval: subject to a prospective buyer's acceptance or refusal (took the suit home on approval)

approve \ə-ˈpru-v\ *vb* **approved**; **approving** [ME *approven*, fr. MF *aprover*, fr. *L. approbare*, fr. *ad-* + *probare* to prove — more at **PROVE**] *vt* (14c) 1: *obs*: PROVE, ATTEST 2: to have or express a favorable opinion of (couldn't ~ his conduct) 3: *a*: to accept as satisfactory (hopes she will ~ the date of the meeting) *b*: to give formal or official sanction to: RATIFY (Congress approved the proposed budget) ~ *vi*: to take a favorable view (doesn't ~ of fighting) — **approv-ing-ly** \-ˈpru-v-ŋ-ly\ *adv*

syn APPROVE, ENDORSE, SANCTION, ACCREDIT, CERTIFY mean to have or express a favorable opinion of. APPROVE often implies no more than this but may suggest considerable esteem or admiration; ENDORSE suggests an explicit statement of support; SANCTION implies both approval and authorization; ACCREDIT and CERTIFY usu. imply official endorsement attesting to conformity to set standards.

approved school *n*, *Brit* (1932): a school for juvenile delinquents

approx-i-mate \ə-ˈprɔks-ə-mət\ *adj* [LL *approximatus*, pp. of *approximare* to come near, fr. *L. ad-* + *proximare* to come near — more at **PROXIMATE**] (15c) 1: nearly correct or exact (an ~ solution) 2: located close together (~ leaves) — **approx-i-mately** *adv*

approx-i-mate \ə-ˈprɔks-ə-mət\ *adj* **-mated**; **-mating** *vi* (15c) 1: *a*: to bring near or close *b*: to bring (cut edges of tissue) together 2: to come near to or be close to in position, value, or characteristics (a child tries to ~ his parents' speech) ~ *vi*: to come close

approx-i-mation \ə-ˈprɔks-ə-mə-shən\ *n* (15c) 1: the act or process of drawing together 2: the quality or state of being close or near (an ~ to the truth) 3: something that is approximate; *esp*: a mathematical quantity that is close in value to but not the same as a desired quantity — **approx-i-ma-tive** \-ˈprɔks-ə-mət-iv\ *adj*

appur-ten-ance \ə-ˈpɜrt-nən-əs\ *n* (14c) 1: an incidental right (as a right-of-way) attached to a principal property right and passing in possession with it 2: a subordinate part or adjunct (the ~ of welcome is fashion and ceremony—Shak.) 3: *pl*: accessory objects: APPARATUS

appur-ten-ant \ə-ˈpɜrt-nənt\ *n*, *ant* *adj* [ME *apertenant*, fr. MF, fr. OF, pp. of *apartenir* to belong — more at **APPERTAIN**] (14c) 1: constituting a legal accompaniment 2: AUXILIARY, ACCESSORY — **appurtenant** *n*

ap-rax-i-a \ə-ˈprɔks-ə-ə\ *n* [NL, fr. Gk. *inaction*, fr. *a-* + *praxis* action, fr. *prassein* to do — more at **PRACTICAL**] (1888): loss or impairment of the ability to execute complex coordinated movements without impairment of the muscles or senses — **ap-rax-i-c** \-ˈprɔks-ik\ *adj*

après \äp-rä\ (*äp-rä*) *prep* [prob. back-formation fr. *après-ski*] (1954) : AFTER (~ tennis) — *usu.* used in combination (*après-theater party*)

après-ski \äp-rä-skē\ *n* [F *après* after + *ski* ski, skiing] (1954) : social activity (as at a ski lodge) after a day's skiing — **après-ski** *adj*

apri-cot \äp-rä-kät\ *n*, *äp-rä-kät*, *äp-rä-kät*, *äp-rä-kät* [alter. of earlier *abrecock*, deriv. of *Ar al-birqaq* the apricot] (1551) 1: *a*: the oval orange-colored fruit of a temperate-zone tree (*Prunus armeniaca*) resembling the related peach and plum in flavor *b*: a tree that bears apricots 2: a variable color averaging a moderate orange

April \ä-präl\ *n* [ME, fr. OF & L: OF *avril*, fr. L *Aprilis*] (bef. 12c) : the 4th month of the Gregorian calendar

April fool *n* (1687): the butt of a joke or trick played on April Fools' Day; also: such a joke or trick

April Fools' Day *n* (1832): April 1 characteristically marked by the playing of practical jokes

a-pri-ori \ä-pri-ˈɔr-ē\ *adv*, *äp-rē*, *äp-rē*, *äp-rē* [L. *a-* (fr. *L. ad-*) + *pri-ori* (fr. *L. pri-ori*) lit. from the former] (1651) 1: *a*: DEDUCTIVE *b*: relating to or derived by reasoning from self-evident propositions compare **A POSTERIORI** *c*: presupposed by experience 2: *a*: being without examination or analysis: PRESUMPTIVE *b*: formed or conceived beforehand — **a-pri-ori-ty** \-ˈɔr-ə-ti\ *n*

apron \ä-prɔn\ *n*, *äp-rɔn*, *äp-rɔn*, *äp-rɔn* [ME, alter. (resulting fr. incorrect division of *a napron*) of *napron*, fr. MF *naperon*, dim. of *nape* cloth, modif. of *L. mappa* napkin — more at **MAP**] (14c) 1: a garment usu. of cloth, plastic, or leather usu. tied around the waist and used to protect clothing or adorn a costume 2: something that suggests or resembles an apron in shape, position, or use: *a*: the lower member under the sill of the interior casing of a window *b*: an upward or downward vertical extension of a sink or lavatory *c*: a piece of waterproof cloth spread out (as before the seat of a vehicle) as a protection from rain or mud *d*: a covering (as of sheet metal) for protecting parts of machinery *e*: an endless belt for carrying material *f*: an extensive fan-shaped deposit of detritus *g*: the part of the stage in front of the proscenium arch *h*: the area along the waterfront edge of a pier or wharf *i*: a shield (as of concrete, planking, or brushwood) along the bank of a river, along a seawall, or below a dam *j*: the extensive paved part of an airport immediately adjacent to the terminal area or hangars

apron string *n* (1542): the string of an apron — *usu.* used in pl. as a symbol of dominance or complete control (though 40 years old he was still tied to his mother's apron strings)

ap-ro-pos \äp-rä-ˈpɔs\ *adv* [F *à propos*, lit., to the purpose] (1668) 1: at an opportune time; SEASONABLY 2: BY THE WAY

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Aquar-i-us \ä-ˈkwä-ri-əs\ *n* [L. (gen. *Aquarii*) south of Pegasus, picturing the 11th sign of the zodiac in astrology] (16th c.)

aquatic \ä-ˈkwät-ik\ *adj*, *äkwät-ik*, *äkwät-ik* : frequenting water (~ mosquito) (~ sports) — **aquatic-cal-ly** \-li\ *adv*

aquatic *n* (1600) 1: an aquatic animal 2: water sports

aqua-tint \äkw-ä-tint\ *n*, *äkw-ä-tint* : a method of etching a printing washes can be reproduced; *al*

aquatint *vi* — **aquatint-er** *n*

aqua-vit \äkw-wä-vet\ *n* [Sw, L. (1890): a clear Scandinavian liquor]

aqua-vitae \äkw-wä-vit-ē\ *n* : a strong ARDENT SPIRITS; *esp*: a strong

aqua-duct \äkw-wä-däkt\ *n* [L. *ductus* act of leading — more

aqua-duct *n* : one for carrying structure for conveying a can-

aqua-ous \äkw-ä-wəs\ *adj*, *äkw-ä-wəs* : relating to, or resembling

aqua-ous *n* (1643): a tr between the crystalline lens and

aquifer \äkw-wä-fär\ *n*, *äkw-wä-fär* : bearing stratum; of permeable

aquifer *n* : with excitement

aquiline \äkw-wä-lē-jē\ *adj*, *äkw-wä-lē-jē* : of, relating to, or resembling

aquiline *n* (1883) : a style of arabesque

arabesque \äkw-wä-lē-jē\ *adj*, *äkw-wä-lē-jē* : a style of arabesque

arabesque *n* (1786) 1: an orn

arabesque *n* : employs flower, foliage, or fr

arabesque *n* : animal and figural outlines to

arabesque *n* : pattern of interlaced lines 2:

arabesque *n* : in which the body is bent for

arabesque *n* : one leg with one arm extend

arabesque *n* : other arm and leg backward

arabesque *n* : intricate pattern of verbal exp

arabesque *n* : eration — C. E. Montague

arabesque *n* : Arabi-an horse \ä-rä-bi-ən\ *n*

arabesque *n* : of the stock used by the na

arabesque *n* : adjacent regions 2: a horse

arabesque *n* : its graceful build, stamina, int

arabesque *n* : called also *Arabian*

arabesque *n* (14c) : a the Hejaz and Nejd that is no

arabesque *n* : ydan, Lebanon, Syria, Iraq, Egy

arabesque *n* (1526) 1: of, relat

arabesque *n* : Arabs 2: of, relating to, or c

arabesque *n* : utilizing Arabic numerals

arabesque *n* (1946): the

arabesque *n* : several other languages of Islan

arabesque *n* : arab-i-cize \ä-rä-bi-ə-siz\ *vi* *cize*

arabesque *n* : (a language or elements of a l

arabesque *n* : pattern of Arabic 2: ARABIZE

arabesque *n* (ca. 1847): on

arabesque *n* : 6, 7, 8, 9 — see NUMBER table

arabesque *n* : arab-i-nose \ä-rä-b-ə-nōz\ *n*

arabesque *n* : gum arabic, fr. gum arabic +

arabesque *n* : aldose sugar, C₆H₁₂O₆, of the per

arabesque *n* : arab-i-no-side \ä-rä-b-ə-nō-sid\ *n*

arabesque *n* : that yields arabinose on hydroly

arabesque *n* : Arabist \ä-rä-b-ist\ *n* (ca. 17th)

arabesque *n* : guage or in Arabic culture 2

arabesque *n* : positions in international affairs

arabesque *n* : arab-ize \ä-rä-b-iz\ *vi* *ized*; *iz-*

arabesque *n* : acquire Arabic customs, manne

arabesque *n* : racial or national stock) by an s

arabesque *n* : arab-ble \ä-rä-b-ə-bəl\ *adj* [MF or

arabesque *n* : akin to OE *erian* to plow, Gk

arabesque *n* : plowing or tillage — arab-ili-ty

arabesque *n* (1576): land that is till

arabesque *n* : arab-chi-donic acid \ä-rä-kä-dä

arabesque *n* : genus name + -onic (as in glu

arabesque *n* : a liquid unsaturated acid C₂₀H₃₈

arabesque *n* : precursor of some prostaglan

arabesque *n* :



R'S Ninth New Collegiate Dictionary

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